

REMARKS/ARGUMENTS

Claims 40, 42-47, 49-59 and 82-90 stand in the present application, claims 40, 43, 45, 47, 49, 51, 52, 56, 82 and 94 having been amended and claim 50 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 40, 42-43, 46, 48-51, 54-59, 82-84, and 87-90 stand rejected under 35 U.S.C. § 103(a) as allegedly being made "obvious" over Mothwurf (U.S. Patent No. 6,283,856) in view of Forte et al. (U.S. Patent No. 5,586,766). This rejection is respectfully traversed for at least the following reasons.

Certain exemplary embodiments of Applicant's claimed invention provide for a first card game of chance and a second game of chance playable on a single card table gaming device/system, with at least the first card game of chance being playable on a table with a live card dealer, and with a second game of chance being playable by the player, while at the table, via a second game play area thereon. A player may wager on either or both of the first and second games of chance from the single card table gaming device. Furthermore, as claim 40 makes clear, for example, the first game outcome and the second game outcome are independent of each other, and the first and second game outcomes are not combined to provide an outcome separate from the first and second same outcomes. Still further, claim 40 also makes clear that a player may wager on either or both of the first and second games of chance from the card table gaming device, such that the player may wager on the second game of chance at least while the live first game of chance is being played, e.g., to address the desire to have games that are more exciting and stimulating, for example, by providing players with

additional betting opportunities during a single game, to have several bets or games going at the same time so that if one game fails to win then they may win another game, etc.

Although independent claims 40, 56 and 82 already clearly recited that the first game was a card game (e.g., claim 40 required "a live dealer" and "card wagering positions") Applicant has amended the independent claims to more clearly recite this feature of its invention. Thus, each of the independent claims now require a "card table" as well as play of a "first card game of chance." Corresponding amendments have been made to the respective dependent claims.

In rejecting the present claims, the Examiner relies on Mothwurf which is not directed to a card game but rather is directed to a roulette game. The secondary reference of Forte et al. is directed to a card game, in particular a blackjack game system. Thus, the Examiner has recited references which are contrary to the present claims which now more clearly require that the first game is a card game while the second game can be roulette or any other wagering game. This is an important distinction in Applicant's claimed inventions which were predicated on the fact that card games take significant amounts of time to play and thus provide ample time to allow players to engage in a second game while the first card game is being played out. Applicant respectfully submits that there is no advantage to having a first roulette game incorporate a second card game, which is the combination which the Examiner has erroneously asserted reads onto the present claims, because roulette is a relatively quick game and would not provide the time needed for a second card game. As noted above, Applicant has amended the present claims in order to more clearly emphasize

that the first game played is a card game and that it is played on a card table with a live card dealer.

Moreover, the Examiner's has not provided any real reason for combining the cited references other than speculation based on improper hindsight gleaned from the present application. Tellingly, the Examiner states that "Mothwurf in Fig. 1 depicts plenty of room for play at the game table" and that "[s]uch a table could *inherently* accommodate a second, parallel, independent wagering game such as a blackjack game or other card game" See Office Action at page 3 (emphasis underlined added, emphasis in italics in original). This statement is contradictory on its face, either something is inherent or it is not. The Examiner's statement that it could be inherent is meaningless in that virtually anything could be modified to include a novel feature but in that case it would not be said to be inherent. Applicant does not claim to have invented live card games, but rather to have been the first to invent the combination or incorporation of a second game of chance with a live card game. The fact that live card games have been in existence for hundreds of years and no one until now has combined or incorporated a second game of chance into a live card game is strong evidence of the non-obviousness of the present claims.

Accordingly, it is respectfully submitted that independent claims 40, 56 and 82 and their respective dependent claims patentably define over the cited art taken either singly or in combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 40, 42-47, 49-59 and 82-90, standing in the application, be allowed and that the case be passed to issue.

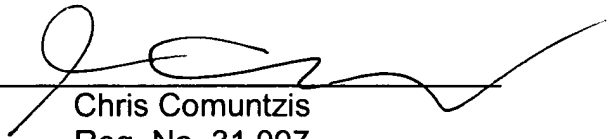
BRADLEY JOHNSON
Appl. No. 10/825,490
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If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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